

MONTGOMERY COUNTY, MARYLAND

NON-DOMESTIC DIFFERENTIATED CASE MANAGEMENT PLAN

Table of Contents

	<u>Tab</u>
Overview	A
Civil Non-Domestic Case Information Forms	B
Tracking Date Guidelines	C
<i>Civil Track 0 -- No Discovery</i>	
<i>Civil Track 1 -- Domestic (See Domestic DCM Manual)</i>	
<i>Civil Track 2 -- 1/2 to 1 Day Trial</i>	
Scheduling Order	D
<i>Civil Track 3 -- Standard - 1 to 3 Day Trial</i>	
Scheduling Conference Order	E
Scheduling Order	F
Settlement Pre-trial Order	G
Judges' Check Sheet for Scheduling Conference	H
Computer Courtroom Sheet	I
Judges' Check Sheet for Settlement/Pre-trial	J
ADR Order	K
<i>Civil Track 4 -- Complex - 3 Day Trial or More</i>	
Scheduling Conference Order	L
Scheduling Order	M
Pre-trial Conference Order	N
Computer Courtroom Sheet	O
ADR Orders	P
Minutes from 09/16/98 Meeting	Q
RE: Scheduling Conferences	
Trial Date Confirmation Form	R
Administrative Aides Form for Trial Dates	S
Past 120 Days	
Memo RE: Scheduling Conferences/Trial Dates	T
Minutes DCM Meeting 03/27/00	U
Memo 08/10/00 Scheduling Conferences	V
Memo 09/07/00 Assignment Office Reminders on	W
Civil Assignments	

OVERVIEW

Civil Differentiated Case Management Plan for Montgomery County, Maryland

Differentiated Case Management is a concept designed to improve the efficiency of case processing and reduce the demand for judicial intervention at every phase of litigation. DCM achieves these goals by the early differentiation of cases entering the justice system in terms of the nature and extent of judicial/justice system resources they will require. Each case is then assigned to the appropriate case track established within the court system that allows for the performance of pre-trial tasks and allocates the appropriate level of judicial and other system resources, minimizing processing delays. Established mechanisms avoid multiple court appearances and assure the timely provision of resources for the expeditious processing and resolution of cases on each track. In cooperation with the Montgomery County Bar Association, six (6) tracks were developed as Montgomery County Circuit Court's Differentiated Case Management Plan.

INFORMATION REPORT

In compliance with **Rule 2-111**, all parties must file an Information Form.

PLAINTIFF'S CIVIL INFORMATION FORM: The plaintiff shall file a Civil Information form together with the complaint and provide a service copy of the complaint and Information Form for each defendant.

In compliance with **Rule 2-112**, the Clerk will issue a summons together with a Scheduling Conference Notice or Scheduling Order, and a Defendant's Information Form with service copies of the complaint for service upon the defendant.

DEFENDANT’S CIVIL INFORMATION FORM: In compliance with **Rule 2-323**, within 30 days of service, the Defendant shall file with the answer an information report substantially in the form included with the summons if (1) the Plaintiff has failed to file an information report required by Rule 2-111(a), (2) the Defendant disagrees with anything contained in an information report filed by the Plaintiff, (3) the Defendant disagrees with a differentiated case management track previously selected by the Court, or (4) the Defendant has filed or expects to file a counter-claim, cross-claim, or third-party claim. If the Defendant fails to file a required information report with the answer, the Court may proceed without the Defendant’s information to assign the action to any track within the Court’s differentiated case management system or may continue the action on any track previously assigned.

TRACK CRITERIA

The parties choose the track in which the case shall proceed. Currently, 6 tracks have been established for DCM:

NO TRACK Administratively tracked/non-litigation

TRACK 0 District Court Appeals, Injunctions, Mechanic’s Liens, Restraining Orders, Administrative Appeals, Mandamus Cases, Declaratory Relief, Forfeiture (money or vehicles), Sale in Lieu of Partition (excluding divorce)

TRACK 1 **Domestic**
This track will eventually be dissolved. All new family cases are now filed under the Family Division Tracking System.

TRACK 2	Expedited 1/2-1 day trial estimate
TRACK 3	Routine 1-3 day trial estimate
TRACK 4	Complex 3 or more days trial estimate

In the event there is a disagreement between the Plaintiff and Defendant, the Special Master/DCM Coordinator, Room 307, (240) 777-9108, will review the track discrepancies and either change the track or request that the parties bring the discrepancy to the attention of the Scheduling Conference Judge for resolution. Please see each track section for more detail.

CONTINUANCE REQUESTS

All requests for continuance, regardless of the type of hearing, must be made in the form of a written Motion for Continuance. The Motion should include specific reasons for the continuance, the other party's position on the continuance (if possible), and a proposed Order. The use of attachments, i.e., previously received court notices, doctor's notes, etc., is encouraged. All civil case motions must be filed with the Clerk's Civil Department. [Note: Consent or joint motions are **NOT** automatically granted.]

EXCEPTIONS TO FILING A MOTION FOR CONTINUANCE

Track 0 and DCA cases may be rescheduled one time by a letter of agreement. The new date must be rescheduled on the calendar within thirty (30) days of the original date.

Civil motions may be rescheduled one time by a letter of agreement. The new date must be rescheduled on the calendar within thirty (30) days of the original date.

Track 3 Civil Scheduling Conferences may be rescheduled one time by consent of all parties and upon filing a joint line. They must be reset within two (2) weeks of the original date.

If you have any questions regarding the above-listed exceptions, please contact the Assignment Office at (240) 777-9000.

If a case is specially assigned to a judge (entire case is specially assigned), the specially assigned judge will rule on the motion. Track 4 cases will be ruled on by a Track 4 judge.

Motions for Continuance on hearings set before Family Law Judges and Family Law Masters are filed with the Family Law Department, and are then sent to the Family Differentiated Case Managers, Room 220, for review. The Administrative Judge will render a decision.

All Motions for Continuance except for Family Law are processed by the Administrative Aides for the Administrative Judge or Acting Administrative Judge. The Administrative Aides are located in Room 307.

Do not send original Motions for Continuance directly to the Administrative Aides or the Administrative Judge, as this will delay the process. Please follow the instructions given below for filing.

If the Motion for Continuance is for a trial or hearing scheduled within three (3) weeks, it is advisable to walk it through to the Administrative Aides. You do not need to be an attorney to walk through a motion. The process is as follows:

First, obtain the court file.

Second, take file to Civil Department for docketing.

Third, take file to the Assignment Office to get proposed dates and/or confirmation of a previously agreed upon date, which has been cleared by the Assignment Office.

Fourth, take and leave file with the Administrative Aides, Room 307.

If you mail your request, please keep in mind that the Clerk's Office receives numerous filings daily and it may take several days to process your request.

If you have any questions concerning this process, please feel free to call the Administrative Aides at (240) 777-9107 or (240) 777-9106.

AMENDED COMPLAINT/THIRD PARTY COMPLAINT

Filing an ***amended or third party complaint*** prior to the DCM conferences will not change any of the dates currently set. A motion and order to extend will need to be filed and referred to the Special Master/DCM Coordinator for review. The Administrative Judge will render a decision.

FAILURE TO APPEAR

Failure to appear at any of the DCM Conferences may result in a default judgment being entered, or a dismissal of the case. If a default for failure to appear or for failure to answer the complaint is granted, an order shall be signed by the judge and an *ex parte* proof of damages hearing will be set on the Civil Motions Docket. If all parties have failed to appear, or if the plaintiff has failed to appear, the court may dismiss the case. An order will be signed by the presiding judge and a copy will be sent to all parties.

STAYS

A stay order may be placed in the court file if the parties have settled their case, but cannot conclude final settlement prior to a scheduled event. An attorney of record must call the Assignment Office and inform them that the case has settled. If there are no outstanding cross claims, counterclaims, or third party claims, the Assignment Office will prepare an order staying the case.

To finalize the settlement and close the case, the parties must file a joint line of dismissal with the court. A \$15.00 Clerk's fee and payment of any open court costs are required when filing a Joint Line of Dismissal.

If a joint line of dismissal, open court costs, and \$15.00 Clerk's fee are not filed by the time the stay has expired, the Court will dismiss the case *sua sponte*.

CONSOLIDATIONS

All consolidations are to be forwarded to the Administrative Aides for review and submitted to the Administrative Judge for ruling. All consolidation hearings will be set by the Administrative Aides and heard by the Administrative Judge.

BIFURCATE/SEVER

After review of the court file, the court may, by motion or *sua sponte*, bifurcate the issues of liability and damages. The court shall specify whether liability is to be heard first and damages to follow, or if liability is to be heard first and damages are to be set at a later date. An accurate trial estimate shall be given to the Assignment Office regarding these issues.

If the court severs a party from the original case, a new court file will be opened with the plaintiff and severed defendant's name. The following instructions should be given to the Civil Clerk:

1. The name of the party to be severed.
2. Copies of the pleadings that are to be filed in the new case file.
3. Any other instructions regarding service, or new scheduling orders.
4. Please indicate the correct track assignment for the new case.

This procedure is not encouraged if other options can be considered to keep the case together as originally filed.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

At the present time, ADR is offered on a case-by-case basis. The parties may request a referral to an appropriate facilitator at any time after the case is at issue. At the Scheduling Conference, the judge will inquire if ADR is indicated before or after the completion of discovery. If ADR is requested before discovery is completed, counsel must contact the Special Master/DCM Coordinator at (240) 777-9108 to initiate the process.

Once it is determined that the case is to be sent to ADR, a facilitator from the Montgomery County Bar Association with the appropriate background for the case is selected. An Order for ADR issues and documents are sent to the facilitator and counsel. Pursuant to the ADR Order, counsel are to contact the facilitator.

PLEASE SEE EACH TRACK SECTION FOR MORE SPECIFIC INFORMATION.

CIVIL -- NON-DOMESTIC CASE INFORMATION REPORT FORM

CIVIL CASE TRACKING GUIDELINES

[illegible]

CIVIL - TRACK 0

No discovery or issues not requiring formal discovery

=====

DAY

1		FILING OF COMPLAINT
		District Court Appeals, Injunctions, Mechanic's Liens, Restraining Orders, Administrative Appeals, Mandamus cases, Judicial Release cases, Declaratory Relief, Forfeiture cases (money or vehicles), Sale in lieu of Partition (excluding divorce matters), etc.
91	30 - 90 days	TRIAL DATE

TRACK 0

Track 0 cases are legal issues with no discovery, or legal issues not requiring formal discovery.

Track 0 cases are forwarded to the Assignment Office for scheduling. District Court Appeals (on the record), and Administrative Appeal cases will be specially assigned to the next available judge on rotation. All other Track 0 cases will be set on the general assignment docket within 30 to 90 days, or in accordance with the Maryland Rules of Procedure.

Track 0 cases that exceed the 90 day maximum limit will be set for a Status Conference on the 10:30 AM Status/Pre-trial Conference docket. This hearing is to determine why the case is not at issue for a trial date to be set.

TYPES OF CASES: District Court Appeals, Injunctions, Mechanic's Liens, Restraining Orders, Administrative Appeals, Mandamus cases, Judicial Release cases, Declaratory Relief, Forfeiture cases (money or vehicles), Sale in Lieu of Partition (not involving divorce matters), etc.

Any requests for continuances of specially assigned Track 0 cases should be directed to that Judge's chambers.

Regular Track 0 cases may be rescheduled one time by a letter of agreement with an agreed date given by the Assignment Office. The new date must be within thirty (30) days of the original date. If a new date cannot be agreed upon, then a formal motion for continuance will need to be filed. The motion will be referred to the Administrative Aides for review and submitted to the Administrative Judge for a final ruling.

TRACK 1 -- DOMESTIC

(See Domestic DCM Manual)

CIVIL TRACK 2

Expedited - 1/2 to 1 Day Trial Estimate

=====

DAY

1	FILING OF COMPLAINT
---	---------------------

Computer to post Status/Pre-trial Conference on the Assignment Office docket, record cutoff dates, and print Scheduling Order. Civil Office to mail copy back to plaintiff, attach copy to summons for each defendant along with the Defendant's Information Form, and a copy of the Plaintiff's Information Form if provided.

(If there is a discrepancy as to the track information, counsel for the defendant shall notify the Special Master/DCM Coordinator at (240) 777-9108 as soon as possible).

121	120 days	DISCOVERY COMPLETED
-----	----------	---------------------

136	15 days	MOTIONS FILING CUTOFF
-----	---------	-----------------------

181	45 days	STATUS/PRE-TRIAL CONFERENCE
-----	---------	-----------------------------

Set on Thursday and Friday at 10:30 AM. The maximum amount for each day is 20 cases. Friday will be set first, and any overflow will be set on the previous Thursday. Status/Pre-trial Statement to be prepared with the following information provided:

1. State nature of case.
2. Set forth claims and defenses.
3. Stipulations.
4. Number of witnesses and exhibits.

211-271	30-90 days	TRIAL DATE
---------	------------	------------

TRACK 2

Track 2 is the expedited track. The length of the trial is anticipated to be 1/2 day to 1 day duration. This track is primarily worker compensation cases and civil jury demands from the District Court. If an information form selecting the track for these matters is not provided, the Civil Office will automatically place them on Track 2.

The discovery completed deadline is 120 days following the filing of the complaint. The motions filing cutoff is 135 days following the filing of the complaint, and the status/pre-trial conference is 180 days following the filing of the complaint. Counsel and parties are notified of all dates, excluding the trial date, in a Scheduling Order when the complaint is filed, and when service is obtained.

At the Status/Pre-trial Conference a trial date is set by the Administrative Judge to commence in approximately 30 to 90 days. Trial counsel must appear at the Status/Pre-trial Conference, and submit in writing a Pre-trial Statement which includes the nature of the case, all claims and defenses, all stipulations, and the number of witnesses and exhibits.

When a Track 2 case is filed, a Scheduling Order will be generated. The cut-off dates, and Status/Pre-trial Conference will be automatically posted in the computer. The Civil Department will forward the order, along with summons, to the plaintiff's attorney. A Defendant's Information Form and a copy of the Plaintiff's Information Form will be attached to the summons.

TYPES OF CASES: Workmen's Compensation Appeals, Civil Jury Demands from the District Court, Due on Account, Auto Negligence - Personal Injury and Property Damage, Breach of Contract, Negligence - Property Damage and Personal Injury, Due on Promissory Note, etc.

Status/Pre-trial Conferences are set on Thursdays and Fridays at 10:30 AM. The maximum amount for each day is 20 cases. Cases will be set on Friday first, and any overflow will be set on the previous Thursday.

All Track 2 motions are set on the general Civil Motions Docket, and set within the guideline time frames as dates permit.

Requests to reissue service prior to the Status/Pre-trial Conference will not produce a new Scheduling Order with new dates. If reissued, a copy of the original Scheduling Order will be attached to the new summons to be served. THE DATES WILL NOT BE MODIFIED SIMPLY BECAUSE A LINE TO REISSUE WAS FILED.

Requests to reissue service at the Status/Pre-trial Conference may be requested if the plaintiff appears, and the defendant has not been served. The Court may direct the clerk to reissue the summons. The parties are directed to the Assignment Office with the file, and an effective date. The Assignment Clerk will produce a new Scheduling Order with new dates based on the effective date given in the courtroom. Copies will be handed to the attorney to attach to the defendant's copy of the summons when received from the Civil Clerk's Office. If the case was filed after 10/01/1994, the Court may dismiss the case for failure to obtain service within 120 days pursuant to **Rule 2-507(b)**. It should be noted that there are special clerks in the Civil Office to handle all DCM courtroom work and service requests. There are also special clerks in the Assignment Office to handle all Scheduling Orders and track changes.

Track changes are obtained if either party disagrees with the track selection. They shall file a motion and order requesting the track to be changed. The motion will be referred to the Special Master/DCM Coordinator in Room 307. The file will be reviewed, and sent to the Administrative Judge for ruling. The Assignment Office will generate a new Scheduling Conference Notice or Scheduling Order, and mail a copy to all parties if granted.

When the defendant files the information form, and the track designation is different from the plaintiff's form, the Special Master/DCM Coordinator will issue a Track Change Memorandum to the Assignment Office. A new Scheduling Conference Notice or Scheduling Order will be issued. A copy will be mailed to all parties.

When track changes are done in open court, the attorneys will be sent to the Assignment Office with the file. The Assignment Clerk will issue a new Scheduling Order and Order for Mandatory Settlement/Pre-trial Conference. Copies will be disbursed to all counsel and parties present. Copies will be mailed to the parties and counsel not present.

Motions to extend or modify the Scheduling Orders will be referred to the Special Master/DCM Coordinator in Room 307. Discovery and motions cutoff dates will be strictly enforced. Any motion requesting a modification of these cutoff dates should be supported by good cause shown. If any dates are modified the file needs to be sent to the Assignment Office to update the computer.

Motions to continue the Status/Pre-trial Conference will be referred to the Administrative Aides for the Administrative Judge's decision. The Status/Pre-trial Conference will be set back in within two (2) weeks unless good cause is shown to extend the hearing further.

At the Status/Pre-trial all trial counsel are to be present with their clients, or have phone access to their clients. A Pre-trial Statement must be prepared by all parties stating the nature of the case, set forth claims and defenses, stipulations, and the number of witnesses and exhibits. If no settlement is reached the Assignment Office will schedule a trial date within 30 to 90 days, or as calendars permit. The trial date will be firm, and may only be moved if a motion for continuance is granted by the Administrative Judge. Any discovery or special requests should be addressed at the Status/Pre-trial Conference.

TRACK 2 -- SCHEDULING ORDER

CIVIL TRACK 3

Routine - 1 to 3 Day Trial Estimate

=====

DAY

1		FILING OF COMPLAINT
		Computer to post Scheduling Conference on the Assignment Office docket, record cutoff dates, and print notice of Scheduling Conference. Civil Office to mail copy back to plaintiff, attach copy to summons for each defendant along with the Defendant's Information Form, and a copy of the Plaintiff's Information Form if provided.
91	90 days	SCHEDULING CONFERENCE
		10 cases set per 1/2 hour per judge (2).
		<ol style="list-style-type: none">1. Confirm Scheduling Order dates.2. Judge to ascertain whether ADR is feasible at this time.3. Determine if settlement is possible whether settlement has been discussed or not.4. Disperse Scheduling Order and Settlement/Pre-trial Orders.
151	60 days	PLAINTIFF'S EXPERTS IDENTIFIED
		Identify all persons whom you expect to call as expert witnesses. As to each expert named, state the subject matter, substance of the findings and opinions, and summary of the grounds for each opinion on which the expert is expected to testify. Attach copies of all reports received from each expert witness.
211	60 days	DEFENDANT'S EXPERTS IDENTIFIED
		Same as above.

241	30 days	ALL WRITTEN DISCOVERY SERVED BY
271	30 days	DISCOVERY COMPLETED
281	10 days	MOTIONS FILING CUTOFF
312	-9 days	MEETING OF ALL COUNSEL Meeting is to take place 9 days before the Settlement/Pre-trial Conference to prepare the Joint Pre-trial Statement, and to discuss settlement.
321	-5 days	JOINT PRE-TRIAL STATEMENT FILED BY A JOINT Pre-trial Statement is to be filed 5 days prior to the Settlement/Pre-trial Conference.
326	45 days	SETTLEMENT/PRE-TRIAL CONFERENCE Cases that may settle will be called first, and referred to a Civil Judge for settlement. Remaining cases will stay with the Administrative Judge to set a trial date.
356-416	30-90 days	TRIAL DATE

TRACK 3 - STANDARD - ONE TO THREE DAY TRIAL

Track 3 is considered to be the routine track. The length of the trial is anticipated to be a 1 day to 3 day duration.

In compliance with **Rule 2-504.1** a Scheduling Conference is held 90 days after the filing of the complaint.

Scheduling Conferences are scheduled Friday. They are scheduled between 9:00 AM and 11:30 AM. There are 10 cases set per 1/2 hour time slot per judge. Two (2) judges are assigned to this docket on a rotating basis.

At the Scheduling Conference the judge will:

1. Discuss referring the case to ADR.
2. Place the Scheduling Order and Order for Mandatory Settlement/Pre-trial Order into effect.
3. Determine if the track is appropriate.
4. Determine if all parties have been served.

FAILURE TO OBTAIN SERVICE, OR REISSUING SERVICE PRIOR TO THE SCHEDULING CONFERENCE, WILL NOT REMOVE THE CONFERENCE, OR CHANGE THE CONFERENCE DATE. COUNSEL FOR THE PLAINTIFF IS REQUIRED TO APPEAR AT THE SCHEDULING CONFERENCE TO INFORM THE COURT OF THE STATUS OF OBTAINING SERVICE AND TO REQUEST NEW SERVICE IF APPROPRIATE.

The Scheduling Conference may be reset ONE (1) time by consent of all parties to either of the two succeeding Fridays. The date should be checked with the Assignment Office to confirm its availability. A joint line shall be filed with the Assignment Office stating the agreed date. The new time will be 11:30 AM. If the defendant has not been served, the plaintiff may move the Scheduling Conference without consent. All appropriate pleadings must be attached to the summons to be served upon the defendant.

TYPES OF CASES: Auto Negligence - Personal Injury and Property Damage, Negligence - Personal Injury, Property Damage, and Slip and Fall, Breach of Agreement, Breach of Contract, Negligent Entrustment, Violation of Rights, Defamation of Character - Negligence, Wrongful Discharge, etc.

A copy of the Scheduling Conference Courtroom Worksheet is provided to each judge prior to the Scheduling Conference. Judges are encouraged to use the codes, and explanations provided in order to assist the Courtroom Clerks with the courtroom work. The computer coded form was developed to save the Judge and Courtroom Clerk from repetitive writing. A separate form will be provided for each case. It would be helpful to the Courtroom Clerks if the judge assigned to the Scheduling Conference would select the correct code, and indicate any additional comments that the docket entries should reflect. Since there are multiple parties, some of whom are not served, confusion can be eliminated if the judge clarifies this on the record. The form is filled out by the Courtroom Clerk and sent with the file to the Civil Office. The computer code is entered into the system and an automatic entry is made.

The judge and parties are to confirm the deadline dates on the Scheduling Order. Any amendments to the deadline dates are to be requested in the form of a motion and forwarded to the Special Master/DCM Coordinator for review. The deadline dates are dates in which specific items should be complied with.

At the Scheduling Conference, if the defendant(s) have not been served, the Scheduling Conference will be put into effect with instructions for the Civil Clerk to reissue a new summons. It will be the responsibility of the counsel filing the complaint to serve the Scheduling Order on any unserved defendant(s) in the case. Counsel may file, prior to any cut-off dates, the appropriate motion to resolve any discrepancies in the Scheduling Order.

Scheduling Conferences should not be reset unless there are exceptional circumstances. Failure to serve defendant(s) should not be a basis for continuing a Scheduling Conference. A continuance does not automatically generate a new Scheduling Order.

The case may be stayed by the court until the plaintiff can locate the defendant and effect proper service. If no further action is taken by the plaintiff to remove the stay and proceed with service, the case may be dismissed pursuant to **Rule 2-507(b)**.

The Judge assigned to hear Scheduling Conferences shall confirm with counsel and resolve any track differences at the Scheduling Conference. Deferral of the resolution of track differences to a later date generally serves to complicate matters as the Settlement/Pre-trial nears.

Track changes requested at the Scheduling Conference will be sent to the Assignment Office, with the court file, for a new Scheduling Order. The Assignment Clerk will generate new orders, and hand them to the attorneys. Copies will be mailed to any parties not present in court.

Track changes requested prior to the Scheduling Conference will be handled the same as Track 2 cases.

Motions to extend and modify should be filed before the scheduled date. These motions will be referred to the Special Master/DCM Coordinator for review and forwarded to the Administrative Judge for a decision. Discovery and motions cut-off dates will be strictly enforced.

Motions to continue a scheduled hearing date should be filed before the scheduled date and referred to the Administrative Aides for their review. The motion will then be forwarded to the Administrative Judge for a decision.

All Track 3 motions are scheduled on the general Civil Motions Docket and set within the guideline time frames as permitted.

As required by the Order for Settlement/Pre-trial Conference, parties are to file a Joint Pre-trial Statement 5 days prior to the conference in accordance with **Rule 2-504**. The statement shall be signed by all parties or trial counsel. A courtesy copy shall be provided to the Special Master/DCM Coordinator in Room 307. The Special Master/DCM Coordinator will review the statement to assure that compliance has been met. A brief explanation of the following is required.

1. NATURE OF CASE: Provide sufficient facts describing the nature of the occurrence at issue.
2. CLAIMS AND DEFENSES: Each party is to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. UNDISPUTED ISSUES AND FACTS: List all issues not in dispute and set forth stipulated facts.
4. RELIEF SOUGHT: Specify the type and nature of injury as well as the amount of each item of damage claimed or a description of equitable relief sought by each party.
5. WITNESSES: File each party's list of witnesses with addresses. Expert witnesses shall be so designated and list matters about which experts will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment or rebuttal purposes.
6. EXHIBITS: File each party's list of trial exhibits, other than impeachment exhibits, indicating those requiring formal proof of authenticity.
7. REQUESTED VOIR DIRE QUESTIONS: Identify those agreed upon and include any objections made by either side.
8. PATTERN JURY INSTRUCTIONS: Identify those agreed upon and those not agreed upon.

9. NON-PATTERN JURY INSTRUCTIONS: Supply a complete text of each instruction, with authorities, on a separate page.

Settlement/Pre-trial Conferences are scheduled every Friday at 1:30 PM before the Administrative Judge. There is a maximum of 45 cases that can be set for this docket per Friday. All motions for continuance of the Settlement/Pre-trial will be sent to the Administrative Aides for review, and then the Administrative Judge for a decision.

The purpose of the Settlement/Pre-trial Conference is to have the parties and counsel meet with a judge to discuss settlement, and to prepare the case for trial if a settlement cannot be reached. The Administrative Judge calls the primary docket. The cases that are to be referred to another judge for settlement purposes will be called first. A trial date will be given, and the case will be sent to one of the available civil judges for settlement.

If the case settled, the settlement will be placed on the record. If the case did not settle, then the trial date given will be confirmed on the record by the settlement judge. **It is imperative that this information be placed on the record.** The Assignment Office needs to verify the settlement or trial date in order to update the calendar accordingly.

Failure to appear at the Settlement/Pre-trial Conference may result in a default judgment being entered or a dismissal of the case.

Default for failure to answer the complaint: If a default for failure to answer the complaint is granted, the moving party will take the file to the Administrative Aides for a proper order to be entered. The order will be returned to the courtroom for a hearing on *ex parte* proof of damages to be set.

Dismissal for failure to appear: If all parties have failed to appear or if the plaintiff has failed to appear, the court may dismiss the case. An order will be signed by the presiding judge and a copy will be sent to all parties.

The Administrative Judge will proceed with the remaining cases to assure that compliance has been met with the Joint Pre-trial Statement and discovery cutoff. Any discovery problems or motions that are still outstanding should be addressed at this time. If a discovery deadline is extended, a specific date will be set for completion and a motions hearing date will be set on the next available date. A further inquiry will be made as to the possibility of a settlement discussion. If no discussion is forthcoming, the judge will establish the length of trial (jury or court) and set a trial date. The trial date will be set within 30 to 90 days. The date will be supplied by the Assignment Clerk in the courtroom.

TRACK 3 -- NOTICE OF SCHEDULING CONFERENCE AND ORDER OF COURT

TRACK 3 -- SCHEDULING ORDER

TRACK 3
SCHEDULING CONFERENCE

IF BOTH PARTIES FAIL TO APPEAR, THE CASE MAY BE DISMISSED.

ALL PARTIES PRESENT AND SERVED

REVIEW CURRENT CASE STATUS:

1. Try to resolve DISCOVERY DISPUTES
2. Is the case on the appropriate TRACK? (trial time)
3. Emphasize compliance with DATES on the Scheduling Order

ALTERNATIVE DISPUTE RESOLUTION: Is it appropriate at this time?

If yes, please refer ALL counsel to the Special Master/DCM Coordinator in Room 307 to arrange for ADR at this time.

Counsel may contact the Special Master/DCM Coordinator at (240) 777-9108, to arrange ADR at any time. The court may order ADR prior to the completion of discovery, or after discovery is completed. DO NOT SET A TIME LIMIT FOR ADR COMPLETION. This will be done in the DCM Division.

DEFENDANT NOT SERVED: Even if the Defendant has not been served, the Plaintiff must appear at the Scheduling Conference. If the Plaintiff appears, and the Defendant has not been served the Court may put the Scheduling Order into effect, direct the Civil Clerk to reissue the summons, and have the Plaintiff attach a copy of the Scheduling Order to the new summons for service upon the Defendant. Should Plaintiff fail to appear at the Scheduling Conference, and the Defendant has not been served, the Court may dismiss the case.

SOME, NOT ALL DEFENDANTS SERVED: Scheduling Orders issued with copy for unserved Defendants given to Plaintiff. Plaintiff must see unserved Defendants get copy of Scheduling Order.

PLAINTIFF APPEARS, DEFENDANT FTA, BUT IS SERVED: Check the return, if okay, file with the Civil Clerk. Give Scheduling Order to Plaintiff, and direct the Civil Clerk to mail the copy to the Defendant.

TRACK CHANGES: Have the parties take the file to the Assignment Office, and a new Scheduling Order for the new Track will be provided.

PLEASE assist the Courtroom Clerk by indicating the Code Number to be entered for each case.

For any questions, please call the Special Master/DCM Coordinator at (240) 777-9108.

TRACK 3 -- COMPUTER COURTROOM SHEET

TRACK 3 -- CHECKLIST FOR SETTLEMENT/PRE-TRIAL CONFERENCES

TRACK 3 - ADR ORDER (PAGE 1 OF 2)

TRACK 3 - ADR ORDER (PAGE 2 OF 2)

CIVIL - TRACK 4

Complex - 3 or More Day Trial Estimate

=====

DAY

1		FILING OF COMPLAINT Computer to post Scheduling Conference on the Assignment Office docket, record cutoff dates, and print Notice of Scheduling Conference. Case will be assigned to a Track 4 Calendar to be managed by one judge until the rotation changes. Civil Office to mail copy back to plaintiff, attach copy to summons for each defendant along with the Defendant's Information Form, and a copy of the Plaintiff's Information Form if provided.
91	90 days	SCHEDULING CONFERENCE 2 cases set per 1/2 hour per judge (6). <ol style="list-style-type: none">1. Establish trial length, review issues, discovery matters.2. Prepare discovery order: Establish deadline dates. Govern pre-trial process.3. Establish Scheduling Order and provide copies to all parties.4. Order for Pre-trial Conference to be given to counsel for all parties.5. Judge to ascertain whether ADR is feasible at this time.
116	75 days	PLAINTIFF'S EXPERTS IDENTIFIED
211	45 days	DEFENDANT'S EXPERTS IDENTIFIED
256	45 days	ALL WRITTEN DISCOVERY SERVED BY

286	30 days	DISCOVERY COMPLETED
331	45 days	MOTIONS FILING CUTOFF
347	-9 days	MEETING OF ALL COUNSEL All counsel are to meet 9 days prior to the Settlement/Pre-trial Conference to prepare the Pre-trial Statement and discuss settlement.
356	-5 days	JOINT PRE-TRIAL STATEMENT FILED BY A JOINT Pre-trial Statement is to be filed 5 days prior to the Settlement/Pre-trial Conference.
361	30 days	SETTLEMENT/PRE-TRIAL CONFERENCE
391-481	30-120 days	TRIAL DATE

TRACK 4 -- 3 DAYS OR MORE TRIAL DAYS

The length of the trial is anticipated to exceed 3 days. Individual judicial management is needed due to complex legal issues, factual difficulty, numerous parties, claims, and defenses.

Track 4 cases are assigned to Civil Calendars. The computer selects Calendars 1, 3, 4, 5 and 6 on a rotating basis. Calendar 2 has been dissolved. There are five (5) judges assigned to the calendars on a rotating basis. When a case is changed to a Track 4 at the Scheduling Conference, the case is normally assigned to the Calendar of a Judge who is presiding. Cases that are changed to Track 4 from another type of hearing or an order of court will be assigned randomly from the five (5) calendars. The judges will change every 18 months while the cases will stay with the same calendar.

There are instances when the calendar may change--when a judge recuses or a case has to be specially assigned. When this occurs, the new judge assigned will receive a case information memorandum and a new Scheduling Order will be mailed to all parties to notify them of the change.

In compliance with **Rule 2-504.1**, a Scheduling Conference is held within 90 days from the filing of the complaint. At the Scheduling Conference the judge will:

1. Establish the anticipated length of trial.
2. Review issues and discovery matters.
3. Prepare a discovery order, establish cutoff dates, and pre-trial process.
4. Establish and disburse the Scheduling Order in accordance with **Rule 2-504** and establish and disburse the Order for Pre-trial Conference in accordance with **Rule 2-504.2**.

A copy of the Scheduling Conference Courtroom Worksheet is provided to each judge prior to the Scheduling Conference. Judges are encouraged to use the codes and explanations provided in order to assist the Courtroom Clerks with the courtroom

work. A separate form will be provided for each case. It would be helpful to the Courtroom Clerks if the judge assigned to the Scheduling Conference would select the correct code and indicate any additional comments that the docket entries should reflect. Since there are multiple parties, some of whom are not served, confusion will be eliminated if the judge clarifies this for the Courtroom Clerks. The form is filled out by the Courtroom Clerk and sent with the file to the Civil Office. The computer code is entered into the system and an automatic entry is made.

The judge and parties are to confirm the deadline dates on the Scheduling Order and make appropriate changes if needed on the record. The deadline dates are dates in which specific items should be complied with. If these dates are not changed at the time of the Scheduling Conference then a motion and order to extend will need to be filed and forwarded to the assigned judge for consideration. **NOTE: THE ADMINISTRATIVE JUDGE HAS REQUESTED THAT THE ORIGINAL SETTLEMENT/PRE-TRIAL CONFERENCE DATE BE ENFORCED. ADJUSTMENTS OF THE DEADLINE DATES MAY BE MADE IN COMPLIANCE WITH THAT DATE.**

At the Scheduling Conference, if the Defendant(s) have not been served, the Scheduling Order will be put into effect with instructions for the Civil Clerk to reissue a new summons. It will be the responsibility of the counsel filing the complaint to serve the Scheduling Order on any unserved defendant(s) in the case. Counsel may file, prior to any cut-off dates, the appropriate motion to resolve any discrepancies in the Scheduling Order.

Scheduling Conferences should not be reset unless there are exceptional circumstances. Failure to serve defendant(s) should not be a basis for continuing a Scheduling Conference. A continuance does not automatically generate a new Scheduling Order.

The case may be stayed by the court until the plaintiff can locate the defendant and effect proper service. If no further action is taken by the plaintiff to remove the stay, and proceed with service, the case may be dismissed pursuant to **Rule 2-507(b)**.

Track changes requested at the Scheduling Conference will be sent to the Assignment Office, with the court file, for a new Scheduling Order. The Assignment Clerk will generate new orders and hand them to the attorneys. Copies will be mailed to any parties not present.

Track changes requested prior to the Scheduling Conference will be reviewed and ruled on by the assigned judge.

Cases **exceeding** five (5) days of trial time will be scheduled only on **COUNSEL'S CALENDARS** at the Scheduling Conference. The trial date will not be confirmed or posted on the Court's calendar until the Settlement/Pre-trial Conference is held.

A TRIAL DATE CONFIRMATION form should be filled out and sent to the Assignment Office. The attached form has been developed. (Tab "R")

The following procedure should be followed if a trial date cannot be set **AT THE SCHEDULING CONFERENCE** within 120 days (the Administrative Judge will allow a 30-day grace period) from the Settlement/Pre-trial Conference:

1. Direct counsel to the Administrative Aides in Room 307. The Aides will set the matter for a hearing in Courtroom No. 1 or determine when the Administrative Judge will be available to see counsel.
2. If all counsel are not present, the attached form (Tab "S") has been developed. The judge's secretary would complete the form and send the file together with the form to the Administrative Aides. After review of the form, the Aides will either set a hearing before the Administrative Judge or follow up with written approval.

It is not expected that the above will occur often, but it is necessary to adhere to a consistent policy regarding cases exceeding the 120 day guideline established for Track 4 cases.

The Notice of Scheduling Conference Order is the first notice that requires the parties to appear before the court. This event is scheduled within 90 days from the filing of the complaint. All counsel and unrepresented parties are required to appear. Attorneys are to bring their calendars to the Scheduling Conference. On the Track 4 Notice of Scheduling Conference, the name of the judge and the courtroom number will appear.

If the original date for the Scheduling Conference is not convenient to the parties, it may be rescheduled once by consent of all parties and the approval of the assigned judge. The case will be reset to the judge's next succeeding conference date. The assigned judge will send a memorandum to the Assignment Office with the rescheduled date. As a courtesy to the Assignment Office, it is recommended that these matters be set back in on a Friday.

Scheduling Conferences are scheduled every Friday between the hours of 9:00 AM and 11:30 AM. The judge assigned a Track 4 Conference may also be assigned to the Track 3 Scheduling Conference Docket.

The purpose of the Scheduling Conference is to refer the case to ADR and to place a Scheduling and Pre-trial Order into effect. The court will also determine whether the case is on the appropriate track and that all parties have been served. Other matters regarding trial preparation, discovery, motions hearings, etc. will be discussed with the parties by the assigned judge.

ALL Track 4 cases will receive an order scheduling ADR after the Scheduling Conference.

Ten (10) days prior to the Scheduling Conference each party must file a Scheduling Conference Statement. A copy of the statement must be provided to the assigned judge.

All motions filed in a Track 4 case shall bear the case number and the judge's name beneath the case number. A copy of the motion shall be delivered to the assigned judge's chambers.

Any motion that is decided by the assigned judge will be done by order of court or a hearing in open court. Recorded telephone conferences with a Courtroom Clerk are also available to the parties and assigned judge. These conferences may be set up through the Technical Services Division (240) 777-9150. The Courtroom Clerk must be notified so a docket entry can be made in the court file. The Assignment Office should be notified, accordingly.

Motions hearings that are scheduled by the assigned judge that will interfere with normal trial assignment shall be cleared with the Assignment Office prior to scheduling. A memorandum shall be sent to the Assignment Office indicating the docket entry number, date, time, and length of the motion(s) hearing.

TYPES OF CASES: Medical Malpractice, Legal Malpractice, Abuse cases, Fraud cases, Defamation of Character, etc.

All requests to reissue prior to the Scheduling Conference are referred to the assigned judge for ruling.

Motions to extend or modify the Scheduling Order are sent to the assigned judge for their review and decision. Discovery and motions dates will be strictly enforced. Any motions requesting a modification of these cutoff dates must be filed prior to the cutoff date and be supported by a good cause shown. If any dates are modified, the file will be sent to the Assignment Office to update the computer.

As required by the Order for Settlement/Pre-trial Conference the parties are to file a Joint Settlement/Pre-trial Statement five (5) days prior to the scheduling conference in accordance with **Rule 2-504**. The statement shall be signed by all parties or trial counsel. A courtesy copy shall be provided to the assigned judge. The assigned judge will review the statement to assure that compliance has been met. A full explanation of the following is required.

1. NATURE OF CASE: A brief, non-argumentative statement suitable for reading to a jury.
2. CLAIMS AND DEFENSES: Each party is to set forth a concise statement of all claims and defenses which that party is submitting for trial.
3. UNDISPUTED ISSUES AND FACTS: List all issues not in dispute and set forth stipulated facts.
4. DISPUTED ISSUES: List each disputed issue and the principal contentions of all parties respecting each.
5. RELIEF SOUGHT: Specify the nature and amount of each item of damage claimed or description of equitable relief sought by each party.
6. CITATIONS: List any cases or statutes that need to be called to the court's attention.
7. PENDING MOTIONS: List title, movant, and filing date of all pending motions.
8. WITNESSES: List the name, address, and telephone number of each person who may be called to testify. As to experts, list the matters about which each expert will testify. No party may call at trial any witness omitted from that party's pre-trial statement, except for impeachment, or rebuttal purposes.

9. EXHIBITS: Attach a listing of the exhibits to be offered in evidence by each party at the trial, other than those expected to be used solely for impeachment, indicating which exhibits the parties agree may be offered in evidence without the usual authentication. A complete list of exhibits identifying by exhibit number each documentary that may be offered at trial. Stickers to be attached to each exhibit are available from the Courtroom Clerk's Office, Room 323. Any objections to another party's exhibits should be stated.
10. DEPOSITION TESTIMONY: Designation by page and line of deposition testimony to be offered as substantive evidence, not impeachment.
11. PLEADINGS AND DISCOVERY RESPONSES: Designation by page, paragraph of any pleading, or discovery response to be offered as substantive evidence, not impeachment.
12. DEMONSTRATIVE OR PHYSICAL EVIDENCE: Describe any items of non-testimonial, non-documentary evidence -- models, samples, objects, etc. -- to be utilized at trial.
13. VIDEOTAPES: Identify any videotapes to be shown to the jury and the authority for doing so.
14. REQUESTED VOIR DIRE QUESTIONS: Identify those agreed upon and include any objections made by either side.
15. PATTERN JURY INSTRUCTIONS: Identify those agreed upon and those not agreed upon. Designate the source of the pattern.
16. NON-PATTERN JURY INSTRUCTIONS: Supply a complete text of each instruction, with authorities, on a separate page.
17. VERDICT SHEET (if requested): Text of verdict sheet, including any special interrogatories, to be submitted to the jury.

18. SETTLEMENT: (Optional) Minimum demand; Maximum offer.

19. ESTIMATED LENGTH OF TRIAL: _____ days.

Settlement/Pre-trial Conferences are to be set on Fridays at 1:30 PM. The purpose of the Settlement/Pre-trial Conference is to have the parties and counsel meet with the assigned judge to discuss settlement and prepare the case for trial if a settlement cannot be reached. At the conclusion of the conference the assigned judge will put the settlement on the record. If a settlement is not reached, the judge will clear a trial date with the Assignment Office and confirm the length of trial and trial date on the record. The trial date must be set within 120 days from the Settlement Pre-trial Conference. A trial date may be considered at 150 days away, but only if absolutely necessary. **IF A JUDGE OR COUNSEL CANNOT SET A TRIAL DATE IN THAT TIME FRAME THE CASE MUST BE REFERRED TO THE ADMINISTRATIVE JUDGE.**

A Track 4 case that has not been concluded prior to the assigned judge hearing the civil assignment will be reassigned to the judge taking over that calendar. The Assignment Office will notify all parties in all pending cases of the reassignment. The notice will include the judge's name and effective date. All future motions or correspondence will be sent to the reassigned judge.

ALL MATTERS PERTAINING TO A TRACK 4 CASE WILL BE HANDLED DIRECTLY THROUGH THE TRACK 4 CIVIL JUDGE'S CHAMBERS. Examples: motions for continuance, scheduling of motion's hearings, motions to extend or modify, and consolidations.

TRACK 4 -- NOTICE OF SCHEDULING CONFERENCE AND ORDER OF COURT
(PAGE 1 OF 2)

TRACK 4 -- NOTICE OF SCHEDULING CONFERENCE AND ORDER OF COURT
(PAGE 2 OF 2)

TRACK 4 -- ORDER FOR PRE-TRIAL CONFERENCE (PAGE 1 OF 2)

TRACK 4 -- ORDER FOR PRE-TRIAL CONFERENCE (PAGE 2 OF 2)

TRACK 4 -- ORDER FOR PRE-TRIAL CONFERENCE (PAGE 1 OF 2)

TRACK 4 -- ORDER FOR PRE-TRIAL CONFERENCE (PAGE 2 OF 2)

TRACK 4 -- COMPUTER COURTROOM SHEET

TRACK 4 -- MEDIATION ORDERS (PAGE 1 OF 2)

TRACK 4 -- MEDIATION ORDERS (PAGE 2 OF 2)